

**REMARKS**

Favorable consideration of the present application is respectfully requested.

Claims 1-15 are currently pending in the application. Applicant has amended Claim 6, canceled Claims 1-5 and 8-15, without prejudice or disclaimer and reserves the right to pursue the claims in a continuation application, to more particularly recite subject matter Applicant regards as his invention, and added new Claims 16-19. The Amendment is believed to place all of the pending claims in condition for allowance.

Claims 1, 3-4, 6-7 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,725,120 to Ramsey et al. ("Ramsey"). Claims 1, 3-4 and 11 have been canceled and Claim 6 has been amended to contain the subject matter previously contained in now canceled Claim 8. Therefore, the §102 rejection of Claims 1, 3-4, 6-7 is believed to be moot and respectfully request that the Examiner formally withdraw the rejection.

Claims 5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey. Applicant has canceled Claims 5, 13 and 14, therefore, Applicant believes the §103 rejection to be moot and respectfully requests that the Examiner formally withdraw the §103 rejection.

Claims 2, 8-10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey as applied to Claims 1, 6 and 7 above, and further in view of U.S. PG Pub No. 2002/0050493 to Ball et al. ("Ball"). Applicant has canceled Claims 2, 8-10, 12 and 15, therefore, Applicant believes the §103 rejection of Claims 2, 8-10, 12 and 15 to be moot and respectfully requests that the Examiner formally withdraw the §103 rejection of these claims. However, since the subject matter of Claim 8 has been

incorporated into Claim 6, the §103 rejection as it relates to the subject matter of original Claim 8 will be addressed in relation to Claim 6.

Regarding Claim 6, and without acquiescing to the rejection, Applicant has amended Claim 6 to more clearly recite, *inter alia*:

- bonding a panel to an inclined seal surface of an annular component, the inclined seal surface of the annular component being initially at an angle of from 10° to 60°;
- stretching the panel;
- fixing the annular component and panel bonded thereto to a filled can;
- processing the contents of the filled and closed can by heating to temperatures of up to 135°C; and
- providing, at least during the processing step, a generally dome shaped profile to the panel so as to provide an increase in can volume approximately equal to thermal expansion of the contents and gases in any headspace within the can; and
- reforming the seal surface to a shallower angle, or 0° after the processing step.

Support for the amendment is provided for example, in paragraph [0016]; and original Claim 8 of Applicant's disclosure. It is apparent that Ramsey and Ball do not disclose or suggest at least this combination of features

The Examiner focused on Ball when considering "reforming" the seal surface, and Ball discloses a seal surface of fixed inclination, however, Ball provides no teaching of reducing the seal surface angle at any stage by any means. In fact, none of the cited patents disclose any reforming of the seal surface. Consequently, there would be nothing to motivate one of skill in the art to modify the method disclosed in Ramsey to incorporate the additional step of reforming the seal surface to a shallower angle as in Claim 1. Therefore, Claim 6, as amended, is both novel and non-obvious over the cited prior art. Since Claim 7 is dependent on Claim 6, it is also novel and non-obvious. Accordingly, the Examiner is respectfully requested to withdraw the §103 rejection.

New Claims 16-19 have been added to claim additional subject matter to which Applicant is entitled. Support for the new claims is provided, for example, in paragraph [0011]. For at least those reasons given above for Claims 6 and 7, Claims 16-19 are also believed to be allowable.

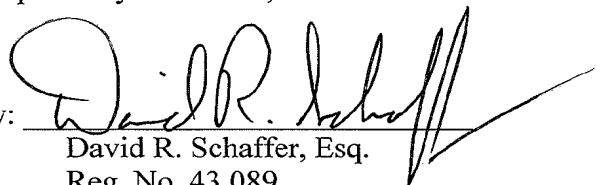
Therefore, the Examiner is respectfully requested to issue a Notice of Allowance for all of the currently pending claims.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4515-16168US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

By:

  
David R. Schaffer, Esq.  
Reg. No. 43,089

Date: September 3, 2009

Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
(703) 903-9000